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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,110	12/01/2003	Karlheinz Dorn	P02,0630-01	3328

  

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SCHIFF HARDIN & WAITE	
Patent Department	
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EXAMINER	
LOUIE, OSCAR A	

  

ART UNIT	PAPER NUMBER
2136	

  

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No. 10/725,110	Applicant(s) DORN ET AL.	
	Examiner Oscar A. Louie	Art Unit 2136	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Claim 10 under 35 U.S.C. 101.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because:

- Applicant's arguments regarding Claims 1-5 & 7-11, state that the language now reads, "providing access, depending on the defined access rights, for the accessible element that has not been unloaded or restarted, by the second user." The applicant further argues that "it requires that the access be performed without an unloading and reloading" and "a preceding (or 'first') user and a loading/restarting (or lack thereof, as required by the claims), with a subsequent access by a second user." Dutcher discloses a native/non-native server domain using Windows NT [column 6] as being one possible client server configuration. This implies that there would be multiple users (i.e. a first user, a second user, a third user etc) with individual user accounts whose activities do not disrupt one another as would be the purpose of having a domain server. This also implies that applications do not need to be restarted for one user simply because another user logs off/on, executes applications, or performs other tasks and functions, since the clients have individual user accounts on a domain with multiple shared resources, as is the nature of a Windows NT client server operation. Dutcher may not explicitly use the same language as the applicant in regards to "a first" and "second user" but Dutcher's disclosure encompasses multiple users who would use the client server system at varying times in relation to one another. The examiner notes that "a first" and "second user" would be implied in a client user system (i.e. Windows NT) on a network domain.
- Applicant's arguments recited as, "the system of Dutcher would naturally deal with more than one user, it does not contain any disclosure with respect to the access of applications or application data by multiple users in the context of access authorizations, and contains no disclosure with regard to the maintaining of an application or respective data in memory after use by the first user for use by the second user." Dutcher discloses, "The invention allows authentication out to any number of non-native servers, as well as authentication from NT domains... The NT user account allows the authenticated user to obtain the server's resources as well as local resources... One of the preferred implementations of the invention is a client application, namely, a set of instructions (program code) in a code module which may, for example, be resident in the random access memory of the computer. Until required by the computer, the set of instructions may be stored in another computer memory" [columns 12-13]. This disclosure teaches that Dutcher does disclose coverage for authentication and control over data/resources relating to the authentication, as well as, maintaining application data in memory until the computer requires/is instructed otherwise.
- Applicant's argument regarding independent Claim 1 additionally states, "Dutcher does not address such a subsequent accessing by a first and second user." Dutcher discloses "a user of a Windows NT client" [column 6] which implies that there would be one of many users, where each user has access to their own Windows NT client as a part of a domain on a network. It is noted that any computer system comprising user logon and authentication on a network in a client server configuration comprises at least two or more users, hence the definition of a computer network.
- Applicant's arguments regarding Claim 6 state that the applicants rely upon the arguments with respect to Claim 1. For further clarification, the examiner notes that Win discloses a "Login Tracking Service" [column 9] that "logs the user's login activity," in a computer network environment with users. This is equivalent to the applicant's "logging," which also operates in a similar environment and logs similar information pertaining to the users' activity. It would have been obvious to combine the teachings of Dutcher and Win since client server systems typically have a form of logging for purposes of debugging, troubleshooting, network monitoring, etc.

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